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09/699,835 10/30/00 RAAF

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EXAMINER

TM02/0629

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JONES, P

ART UNIT

PAPER NUMBER

2664

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06/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/699,835

Applicant(s)  
Raff et al

Examiner  
Prenell Jones

Art Unit  
2664



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 30, 2000
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 15, 16, and 18 is/are rejected.
- 7) ☒ Claim(s) 3-14 and 17 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1.5

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2664

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Applicant has various grammatical errors throughout the Specification for instance:

- page 6, lines 14 and 24
- page 8, line 22-24

### *Information Disclosure Statement*

3. The information disclosure statement filed 10/30/2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a copy of the Japanese Patent Abstract (No. 62047236) was not in the file. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the

Art Unit: 2664

time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

*Claim Objections*

4. Claims 1-9, 11, 14, 15, and 17 are objected to because of the following informalities: in  
Appropriate correction is required.

- claims 1 and 17; Continuous is mis-spelled
- claim 2; check grammar on line 2;
- claim 3; lines 3, 5, 10
- claim 4; lines 3, 6
- claim 5; lines 7, 10
- claim 6; line 3
- claim 7; line 10
- claim 8; line 3
- claim 9; line 8, 10, 11
- claim 11; lines 2, 4, 5
- claim 14; line 4
- claim 15; line 1
- claim 17; lines 4, 5

Art Unit: 2664

*Claim Rejections - 35 U.S.C. § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson in view of Wu.

Regarding claims 1 and 2, Eriksson (Abstract, Figs. 6a and 6b, col. 1, line 53-59, col. 2, line 43 thru col. 3, line 67, col. 4, line 53-58) discloses a communication system that transmits and receives data between nodes, whereby the nodes include transmitters/receivers that transmit data frames and their associated discontinuous data fields/empty spaces/idle (interrupts) with respect to portions of a frame. However, Eriksson is silent on a continuous interruption phase to extend over a portion of one frame and over a portion of another frame that is successive to the previous frame. In analogous art, Wu discloses (Figs. 2a/2b, col. 2, line 16-48) in a communication device that performs arithmetic processing and controls/tracks data frames, whereby the (col. 4, line 23-51) frames consist of a beginning/ending gap (unusable/interrupt), (col. 5, line 63 thru col. 6, line 63) consecutive frames wherein the ending of frame 1 has a partial data sector and the remaining data sector of frame 1 is the beginning partial data sector (unusable/interrupt) of frame 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement consecutive frames that share continuous portions of an unusable data sector for arithmetic processing which is taught by Wu because Eriksson's communication system performs calculations/measurements associated

Art Unit: 2664

with discontinuous/continuous data wherein the use of continuous interruption/idle from frame to frame would increase redundancy and fluctuation in timing.

Regarding claim 15, Wu discloses (Figs. 2a/2b, col. 2, line 16-48) in a communication device that performs arithmetic processing and controls/tracks data frames, whereby the (col. 4, line 23-51) frames consist of a beginning/ending gap (unusable/interrupt), (col. 5, line 63 thru col. 6, line 63) consecutive frames wherein the ending of frame 1 has a partial data sector and the remaining data sector of frame 1 is the beginning partial data sector (unusable/interrupt) of frame 2, he further discloses that the format calculator (receiving device) with the help of a servo mechanism (receiving station) perform measurements and calculate parameters.

7. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson in view of Wu as applied to claim 1 above, and further in view of Park et al.

Regarding claim 16, as mentioned above, Eriksson (Abstract, Figs. 6a and 6b, col. 1, line 53-59, col. 2, line 43 thru col. 3, line 67, col. 4, line 53-58) discloses a communication system that transmits and receives data between nodes, whereby the nodes include transmitters/receivers that transmit data frames and their associated discontinuous data fields/empty spaces/idle (interrupts) with respect to portions of a frame, Wu discloses (Figs. 2a/2b, col. 2, line 16-48) in a communication device that performs arithmetic processing and controls/tracks data frames, whereby the (col. 4, line 23-51) frames consist of a beginning/ending gap (unusable/interrupt), (col. 5, line 63 thru col. 6, line 63) consecutive frames wherein the ending of frame 1 has a partial data sector and the remaining data sector of frame 1 is the beginning partial data sector (unusable/interrupt) of frame 2. However, Eriksson and Wu are silent on the receiving station and transmitter stations being associated with a CDMA mobile radio system. In analogous art, Park discloses (Abstract, Fig.

Art Unit: 2664

11, col. 1, 2, col. 6, line 67) a CDMA mobile communication system for performing handoffs which include a first/second frames that are divided into first/second intervals wherein there exists non-transmission intervals (idle/gap/interrupt) associated with the frames during the transmission of data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement transmitting/receiving data in a CDMA mobile communicating system which is taught by Park with the combined teachings of Eriksson and Wu because Parks performs handoffs which depend on synchronization/timing between frames, whereas the combined teachings of Eriksson and Wu uses continuous interruption/idle from frame to frame for increasing redundancy and fluctuation in timing.

Regarding claim 18, as indicated above, Park discloses (Abstract, Fig. 11, col. 1 and 2) a CDMA mobile communication system for performing handoffs which include a first/second frames that are divided into first/second intervals wherein there exists non-transmission intervals (idle/gap/interrupt) associated with the frames during the transmission of data performed by a base station.

*Allowable Subject Matter*

8. Claims 3-14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3-10 and 14, the limitation "transmitting the data at a constant permanent transmission rate except for the data that is received immediately preceding/following a continuous interruption phase" is absent from the art

Application/Control Number: 09699835

Page 7

Art Unit: 2664

Regarding claim 11, the limitation "continuous interruption phase that extends over a portion of the first frame having a size that is equal to a size of the portion of the second frame" is absent from the art.

Regarding claims 12 and 13, the limitation "distributing multiple continuous interruption phases in constantly recurring time intervals in at least on higher-level multi frame that includes multiple frames" is absent from the art.

Regarding claim 17, the limitation "the receiving station can interrupt performing an operation selected from the group consisting of receiving/transmitted data and processing the transmitted data" is absent from the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell Jones whose telephone number is (703) 305-0630. The examiner can normally be reached on Monday thru Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Prenell Jones

June 17, 2001



HUY D. VU  
PRIMARY EXAMINER